

REMARKS

In the specification, the Abstract (paragraph [0042]) has been replaced with the new paragraph set forth above.

Claims 1-28 were originally filed in the present application. Claims 1-7 are currently canceled without prejudice or disclaimer, and new claims 29-35 are currently added. Thus, claims 8-35 are currently pending in the present application.

Reconsideration of this application in light of the above amendments and the following remarks is requested.

Rejections under 35 U.S.C. §101

Claims 1-7 have been rejected under 35 U.S.C. §101. However, these claims are currently canceled, thus rendering their rejection moot.

Rejections under 35 U.S.C. §112

Claims 1-7 have been rejected under 35 U.S.C. §112. However, these claims are currently canceled, thus rendering their rejection moot.

Objection to the Specification

Applicants speculate that the Examiner intended to object to the Abstract of the present application. That is, while the Examiner set forth in the Office Action the general requirements for a patent abstract, the Examiner did not explicitly set forth any specific deficiency of the as-filed Abstract of the present application. Nonetheless, in an effort to expedite prosecution, Applicants submit herein a replacement Abstract believed to be in compliance with the general patent abstract requirements set forth by the Examiner. Accordingly, Applicants respectfully request the Examiner indicate acceptance of the replacement Abstract.

Rejections under 35 U.S.C. §102

Claim 8

Claim 8 recites:

8. A wireless communication system, comprising:
a station having communication software for:
receiving a capability request from at least one non-emergency-service-provider; and
generating and transmitting a capability request response to each requesting non-emergency-service-provider that includes a status indicator of a non-emergency-services position-determination (NESPd) capability of the station, wherein the NESPd capability of the station is user-selectable to enable or disable all NESPd irrespective of which non-emergency-service-provider is associated with the capability request.

Claim 8 and its dependent claims 9-13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,311,069 to Havinis ("Havinis").

The PTO provides in MPEP §2131 that:

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, to sustain this rejection with respect to claim 8, Havinis must contain all of the elements of claim 8. However, among other elements, Havinis does not disclose generating and transmitting a capability request response that includes a status indicator of a non-emergency-services position-determination (NESPd) capability of a wireless communication system station, wherein the NESPd capability of the station is user-selectable to enable or disable all NESPd irrespective of which non-emergency-service-provider is associated with a capability request, at least in the context of claim 8.

Therefore, the §102 rejection of claim 8 and its dependent claims is not supported by Havinis. Consequently, Applicants respectfully request the Examiner withdraw the rejection.

Claim 14

Claim 14 recites:

14. A method of communicating between telecommunications network stations, comprising:
receiving at a first station a capability request transmitted by a second station;
generating at the first station a capability request reply in response to the capability request, wherein the capability request reply includes a status indicator of a non-emergency-services position-determination (NESPDP) capability of the first station, the NESPDP capability of the first station being user-selectable to either allow NESPDP or prevent NESPDP independent of a particular value-added-service-provider for which NESPDP is requested; and
transmitting the capability request reply to the second station.

Claim 14 and its dependent claims were also rejected under 35 U.S.C. §102(b) as being anticipated by Havinis. To sustain this rejection, Havinis must contain all of the elements of claim 14. However, Havinis does not disclose generating a capability request reply that includes a status indicator of a non-emergency-services position-determination (NESPDP) capability of a telecommunications network station, the NESPDP capability of the station being user-selectable to either allow NESPDP or prevent NESPDP independent of a particular value-added-service-provider for which NESPDP is requested, at least in the context of claim 14.

Therefore, the §102 rejection of claim 14 and its dependent claims is not supported by Havinis. Consequently, Applicants respectfully request the Examiner withdraw the rejection.

Claim 22

Claim 22 recites:

22. A wireless mobile device, comprising:
a user-interface configured for operation by a user in selecting a non-emergency-services position-determination (NESPД) capability of the wireless mobile device independent of non-emergency-service-provider entity;
a generator configured to generate a signal comprising a status indicator of the NESPД capability and zero or more wireless mobile device native capability data; and
a transmitter configured to transmit the signal to a wireless network element.

Claim 22 and its dependent claims were also rejected under 35 U.S.C. § 102(b) as being anticipated by Havinis. To sustain this rejection, Havinis must contain all of the elements of claim 22. However, among other elements, Havinis does not disclose a wireless mobile device having a user-interface configured for operation by a user in selecting a non-emergency-services position-determination (NESPД) capability of the wireless mobile device independent of non-emergency-service-provider entity; at least in the context of claim 22.

Therefore, the § 102 rejection of claim 22 and its dependent claims is not supported by Havinis. Consequently, Applicants respectfully request the Examiner withdraw the rejection.

New Claim 29

New claim 29 recites:

29. A method of operating an element of a wireless communication network, comprising:
transmitting a non-emergency-services position-determination (NESPД) message to a mobile station;
receiving a status indicator from the mobile station, at least indirectly, wherein the status indicator indicates that the mobile station is configured to refrain from providing position information for non-emergency-services; and
preventing a plurality of NESPД messages from being transmitted to the mobile station in response to receiving the status indicator.

New claim 29 and its dependent claims also cannot be rejected under 35 U.S.C. §102(b) as being anticipated by Havinis. That is, to sustain such a rejection, Havinis must contain all of the elements of claim 29. However, Havinis does not disclose: (1) transmitting a non-emergency-services position-determination (NESPd) message to a mobile station; (2) receiving a status indicator from the mobile station, at least indirectly, wherein the status indicator indicates that the mobile station is configured to refrain from providing position information for non-emergency-services; and (3) preventing a plurality of NESPd messages from being transmitted to the mobile station in response to receiving the status indicator. Therefore, a §102 rejection of new claim 29 and its dependent claims cannot be supported by Havinis.

Conclusion

It is clear from all of the foregoing that independent claims 8, 14, 22 and 29 are in condition for allowance. Dependent claims 9-13, 15-21, 23-28 and 30-35 depend from and further limit independent claims 8, 14, 22 and 29 and, therefore, are allowable as well.

It is believed that all matters set forth in the Office Action have been addressed, and that claims 8-35 are in condition for allowance. Favorable consideration and an early indication of the allowability of the claims are respectfully requested. Should the Examiner deem that an interview with Applicants' undersigned attorney would expedite consideration, the Examiner is invited to call the undersigned attorney at the telephone number indicated below.

Respectfully submitted,



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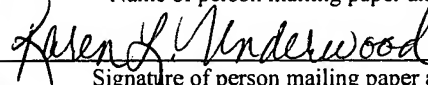
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